

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RAMIRO RIOS,

Plaintiff,

v.

ERIC WHEELER,

Defendant.

CASE NO. C22-5736 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on Magistrate Judge David W. Christel's Report and Recommendation ("R&R"), Dkt. 3, and Plaintiff Ramiro Rios's objections to the R&R, Dkt. 4.

Rios filed an application to proceed *in forma pauperis* ("IFP") on his proposed complaint, alleging civil rights violations against Defendant Eric Wheeler. Dkt. 1. Rios's claims are difficult to understand—he alleges in his proposed complaint that Wheeler "left [his] daughter stress an unable to cope with every life" and that he "has no feeling for other other then his own." Dkt. 1-1 at 2. In his most recent filing, he appears to clarify his claims and alleges generally that Wheeler has been harassing his daughter, that he sexually assaulted her, and that he vandalized her car. Dkt. 4.

1 In his application, Rios failed to respond to questions (4)–(8). *See* Dkt. 1. The
2 Court therefore was unable to determine whether Rios qualified to proceed IFP. Dkt. 2.
3 Judge Christel ordered Rios to show cause why his application should not be denied or
4 pay the \$402.00 filing fee by November 4, 2022. *Id.* Rios did not respond to Judge
5 Christel’s Order to Show Cause, nor did he pay the filing fee. Judge Christel therefore
6 recommends the Court deny Rios’s application and dismiss his case without prejudice.
7 Dkt. 3. Rios responded, though he does not directly object to any conclusions in Judge
8 Christel’s R&R or to his ultimate recommendation.

9 A district judge must determine de novo any part of the magistrate judge’s
10 disposition to which a party has properly objected. The district judge may accept, reject,
11 or modify the recommended disposition; receive further evidence; or return the matter to
12 the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3). A proper objection
13 requires specific written objections to the findings and recommendations in the R&R.
14 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

15 Rios fails to make any specific objections or explain why he has not responded to
16 Judge Christel’s order to show cause or pay the filing fee. Therefore, the Court, having
17 considered the R&R, Plaintiff’s objections, and the remaining record, does hereby order
18 as follows:

- 19 (1) The R&R is **ADOPTED**;
- 20 (2) Rios’s Motion for Leave to Proceed *in forma pauperis*, Dkt. 1, is **DENIED**;
- 21 (3) This case is **DISMISSED without prejudice**;
- 22

1 (4) The Clerk is directed to send a copy of this Order to Judge Christel and to
2 Rios; and

3 (5) The Clerk shall enter a JUDGMENT and close the case.

4 Dated this 10th day of January, 2023.

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7 BENJAMIN H. SETTLE
8 United States District Judge
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